UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,627	06/24/2003	Fernando Cuervo	3430-Z	1150

7590   06/29/2007

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EXAMINER
SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/601,627	CUERVO, FERNANDO
	Examiner	Art Unit
	Jeffrey R. Swearingen	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 June 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 June 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-7 are directed toward a "policy server". A policy server may be implemented solely as software per se. No hardware apparatus is present either in the specification or drawings which would lead one of ordinary skill in the art to understand that a "policy server" in the claimed context consisted of hardware. Applicant is directed to Annex IV of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility. A "policy server" in this regard would be read as either "functional descriptive material" or "nonfunctional descriptive material".

3.   Applicant may overcome this rejection by either claiming the "policy server" as being stored on a computer-readable medium that fits the Annex IV guidelines or claiming the "policy server" includes a hardware component. Applicant should be careful to not add new matter when making appropriate amendments to overcome the rejection under 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6.   The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Poliquin et al. (US 5,696,486).

9.   In regard to claims 1, and claims 8 and 11, Poliquin disclosed:

         a pre-computation module grouping a plurality of policies having the same triggering condition and policy decision into a policy equivalency class; Column 10, lines 21-34

         a scheduler initiating policy evaluation based on received events satisfying passive conditions determining policy-managed entity memberships with respect to the policy equivalency class; column 9, line 60 – column 10, line 20

         a triggering module monitoring communication network events satisfying the triggering condition, the triggering module initiating policy evaluation subsequent to the triggering condition being satisfied; and column 7, line 19 – column 8, line 29

         a policy decision distribution mechanism issuing the policy decision to the policy equivalency class member policy-managed entities for policy enforcement, column 8, line 30 – column 9, line 13

         grouping the plurality of policies into the policy equivalency class, and associating policy-managed entities with the policy equivalency class, provides policy equivalency class restricted policy evaluation reducing policy evaluation overheads. Column 9, lines 45-59

10.   In regard to claim 2, Poliquin disclosed:

         the policy server being associated with a network management system providing support of one of policy-based network management, and policy-based service provisioning. Column 5, lines 33-39

11.   In regard to claim 3, Poliquin disclosed:

         the policy server being further associated with a policy repository for storing the plurality of policies and the policy decision. Column 11, lines 50-67

12.   In regard to claim 4, Poliquin disclosed:

        the policy repository comprises one of a database and a directory. Column 5, line 45

13.   In regard to claim 5, Poliquin disclosed:

        the policy repository further comprises a policy condition management interface providing

interaction with one of the policies and policy conditions. column 6, lines 45-65

14.   In regard to claim 6, Poliquin disclosed:

        the policy server being further associated with a policy equivalency class repository for

storing policy equivalency class specifications. Column 8, lines 42-49

15.   In regard to claim 7, Poliquin disclosed:

        a policy condition management interface providing interaction with one of the policies and

policy conditions. Column 9, lines 14-67

16.   In regard to claims 9, 12, Poliquin disclosed:

        wherein performing policy evaluation based on satisfying the triggering condition, the

method further comprises a step of: changing a corresponding policy-managed entity's

membership with respect to the policy equivalency class. Column 9, lines 14-67

17.   In regard to claim 10, Poliquin disclosed:

        monitoring events in a communications network. Column 6, lines 4-65

18.   In regard to claim 13, Poliquin disclosed:

        prioritizing passive condition related policy evaluation based on a demand for one of a

policy and the policy equivalency class. Column 7, lines 34-67

19.   In regard to claim 14, Poliquin disclosed:

        determining a demand for the one of the policy and the policy equivalency class based on

a previous utilization frequency thereof. Column 8, lines 1-41

20.   In regard to claim 15, Poliquin disclosed:

        specifying a policy condition. Column 10, lines 21-60

21.   In regard to claim 16, Poliquin disclosed:

> *designating the policy condition as one of the triggering condition and a passive*
>
> *condition.* Column 10, lines 21-60

22.   In regard to claim 17, Poliquin disclosed:

> *wherein specifying the triggering condition, the method further comprises a step of:*
>
> *specifying one of a time-of-day event, a quality-of-service event, a source available event, a*
>
> *source unavailable event, a broadcast start event, and an information flow available event to be*
>
> *monitored.* Column 10, lines 21-67

23.   In regard to claim 18, Poliquin disclosed:

> *logically combining events.* Column 15, lines 40-67

24.   In regard to claim 19, Poliquin disclosed:

> *specifying one of a prepaid status event, a policy-managed entity on-line event, a policy-*
>
> *managed entity off-line event, a policy-managed entity capability, and a policy-managed entity*
>
> *interest in a service.* Column 10, lines 21-67

Conclusion

25.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arrowsmith et al.	US 6,057,757
Arrowsmith et al.	US 6,064,304
Arrowsmith et al.	US 6,373,383 B1
Lewis et al.	US 6,603,396 B2

Howard, Stephen et al. "Integrating Visualization into Event Monitoring and Analysis in Distributed Systems Management." Proceedings of the 1995 conference of the Centre for Advanced Studies on Collaborative research. IBM Press. 1995.
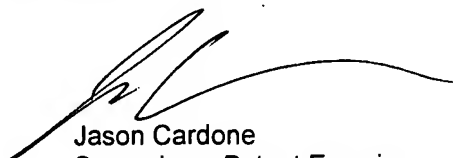
Boutaba, Raouf et al. "An Architectural Approach for Integrated Network and Systems Management." ACM SIGCOMM Computer Communication Review. ACM Press. October 1995. pp. 13-38. Vol. 25, Issue 5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Cardone
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JRS